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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,483	06/05/2001	Glenn M. Renwick	3832/010581	6164

7590  
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03/21/2007

EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/874,483

**Applicant(s)**

RENWICK ET AL.

**Examiner**

Vanel Frenel

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to Amendment filed on 12/26/06. Claims 1-42 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al (2002/002475) in view of Hubbard et al (2002/0099575), for substantially the same reasons given in the previous Office Action, and incorporated herein. Further reasons are presented hereinbelow.

### ***Response to Arguments***

4. Applicant's arguments filed on 12/26/06 with respect to claims 1-42 have been fully considered but they are not persuasive.

(A) At pages 12-17 of the 12/26/06 response, Applicant's argues the followings:

(i) Freedman does not teach or suggest one or more of the method steps set forth in the claims 1, 15, 26 and 32 specifically the invention feature of delivering a damaged claimant vehicle to an insurer facility operated by an insurance provider and

preparing a repair estimate at the insurer facility operated of the insurance provider (a) Freedman does not teach or suggest the claimed method wherein the policyholder does not have to interact with the repair shop directly. (b) Freedman does not teach or suggest the steps of: selecting a repair facility by the insurance provider without input from the claimant; (c) returning the repaired claimant vehicle to the insurer facility without input from the claimant.

(d) Freedman does not teach or suggest an interface that enables a claimant to access a remote file. (e) Freedman does not teach or suggest a server remote from the interface coupled to the publicly accessible network that retains a plurality of files that can be accessed through the publicly accessible network.

(ii) Furthermore, it is noted that Hubbard application was filed on 1/19/01, which is the earliest effective filing date of the Hubbard application. Attached hereto and incorporated herein by reference is a Declaration under 37 C.F.R 1.131, executed by Mr. Steven Gellen.

(B) With respect to Applicant's first argument, Examiner respectfully submitted that He relied upon the clear teachings of Freedman See Page 3, Paragraphs 0043-0047; Page 15, Paragraphs 0227-0231, especially Paragraph 0229). Regarding the remaining features Examiner disagrees with these assertions since Freedman has been clearly taught them See Fig.3; Page 10, Paragraphs 0143-0146; Page 13, Paragraphs 0183-0187). Therefore, Applicant's arguments are not persuasive and the rejection is hereby sustained.

(C) With respect to Applicant's second argument, Examiner respectfully submitted that the Affidavit filed on 12/26/06 under 37C.F.R 1.131 has been considered but is ineffective to overcome the Freedman et al (2002/0002475) and Hubbard et al (2002/0099575) references.

The evidence submitted herewith of Steven Gellen is insufficient to overcome the Freedman's reference of April 13, 2000 because the referenced date of the e-mail and prior to March 22, 2001 in the Affidavit cannot overcome a reference with an earlier non-provisional date April 13, 2000.

Since the declaration was inefficient, Applicant's argument directed to the rejection of the claims 1-42 used in the previous Office Action was based on the submission of the combination of the references cited above to reject the claims. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F  
V.F

  
Primary Examiner, AU 3627